

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TRAFFIC INFORMATION, LLC

§ 80

Plaintiff,
VS.

MAZDA MOTOR OF AMERICA, INC.,
EL DORADO MOTORS, INC., CYDLE
AMERICA CORP., and VIEWSONIC
CORPORATION

Case No. _____

Defendants.

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendants Mazda Motor of American, Inc. (“Mazda”), El Dorado Motors, Inc. d/b/a El Dorado Mazda (“El Dorado”), Cydle America Corp. Inc. (“Cydle”), and ViewSonic Corporation (“ViewSonic”), and alleges:

THE PARTIES

1. Traffic is a limited liability company organized and existing under the laws of the State of Texas.
 2. On information and belief, Mazda is a corporation organized and existing under the laws of California, has a principal place of business at 7755 Irvine Center Drive, Irvine, California 92618-2906, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201-4234, and is doing business in this judicial district.
 3. On information and belief, El Dorado is a corporation organized and existing under the laws of Texas, has a principal place of business within this judicial district at 2300 North Central Expressway, McKinney, Texas 75070, has designated its registered agent for purposes of service of

process in Texas as Robert M. Allen, 5057 Keller Springs Road, Suite 600, Addison, Texas 75001-6352, and is doing business in this judicial district.

4. On information and belief, Cydle is a corporation organized and existing under the laws of California, has a principal place of business at 3435 Wilshire Boulevard, Suite 2310, Los Angeles, California 90010-2009, has designated its registered agent for purposes of service of process as Jay Seo, 3435 Wilshire Boulevard, Suite 2310, Los Angeles, California 90010-2009, and is doing business in this judicial district.

5. On information and belief, ViewSonic is a corporation organized and existing under the laws of Delaware, has a principal place of business at 381 Brea Canyon Road, Walnut, California 91789, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201-4234, and is doing business in this judicial district.

JURISDICTION AND VENUE

6. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

7. Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

8. On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

9. On information and belief, each defendant has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district.

10. Each defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

11. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

INFRINGEMENT OF THE ‘862 PATENT

12. Traffic realleges and incorporates by reference the allegations in paragraphs 1-11.

13. On October 15, 2002, U.S. Patent No. 6,466,862 (“the ‘862 patent”), entitled “System For Providing Traffic Information,” a copy of which is attached hereto as Exhibit A, was duly and legally issued. Traffic is the owner by assignment of all right, title and interest in and to the ‘862 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘862 patent.

14. Defendant Viewsonic, alone and in conjunction with others, has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the ‘862 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, traffic information systems and products and services that alone or in combination with other devices are covered by at least one claim of the ‘862 patent, and are liable for infringement of the ‘862 patent pursuant to 35 U.S.C. § 271.

15. Defendant Viewsonic’s acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant’s wrongful acts in an amount subject to proof at trial.

16. As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless defendant Viewsonic is enjoined by this Court from committing further acts of infringement.

INFRINGEMENT OF THE ‘606 PATENT

17. Traffic realleges and incorporates by reference the allegations in paragraphs 1-11.

18. On August 31, 2004, U.S. Patent No. 6,785,606 (“the ‘606 patent”), entitled “System For Providing Traffic Information,” a copy of which is attached hereto as Exhibit B, was duly and legally issued. Traffic is the owner by assignment of all right, title and interest in and to the ‘606 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘606 patent.

19. Each defendant, alone and in conjunction with others, has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the ‘606 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, traffic information systems and products and services that alone or in combination with other devices are covered by at least one claim of the ‘606 patent, and are liable for infringement of the ‘606 patent pursuant to 35 U.S.C. § 271.

20. Each defendant’s acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant’s wrongful acts in an amount subject to proof at trial.

21. As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by

such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Traffic prays for entry of judgment that:

- A.** Each defendant has each infringed the ‘606 patent and Viewsonic has infringed the ‘862 patent;
- B.** Each defendant account for and pay to Traffic all damages caused by its individual and/or joint infringement of the ‘606 and/or ‘862 patents as complained of herein in accordance with 35 U.S.C. § 284;
- C.** Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining each defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D.** Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of each defendant’s patent infringement complained of herein;
- E.** Traffic be granted its reasonable attorneys’ fees;
- F.** Costs be awarded to Traffic; and,
- G.** Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: February 9, 2011

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